

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

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THOMAS CATHERALL, *et al.*,

*Plaintiffs,*

v.

LISA K. RAYNER,

*Defendant.*

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CIVIL ACTION NO.  
3:23-cv-00053-TES

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ORDER REMANDING CASE

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Plaintiffs Thomas Catherall, Perseverance 30A, LLC, and Best Served Cold, LLC, filed this case in the Superior Court of Clarke County, Georgia, on March 30, 2023, alleging claims of tortious interference with contractual and business relations, defamation, and punitive damages. [Doc. 1-2]. On May 9, 2023, Defendant Lisa Rayner removed the case to this Court, asserting the Court’s diversity jurisdiction. *See* [Doc. 1, p. 1 (citing 28 U.S.C. §§ 1332, 1441(a))]. In her removal filing, Defendant claimed the amount in controversy exceeds \$75,000.00. [*Id.*].

After reviewing the pleadings,<sup>1</sup> the Court ordered the parties to respond and show cause regarding the Court’s subject-matter jurisdiction—specifically to clarify if the amount in controversy exceeds \$75,000.00. [Doc. 3]. In response, Defendant stated

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<sup>1</sup> *See Cadet v. Bulger*, 377 F.3d 1173, 1179 (11th Cir. 2004) (“Federal courts are obligated to inquire into subject-matter jurisdiction sua sponte . . .”).

“that the removal of this civil action to this Court appears to have been premature.”

[Doc. 8, p. 1]. Therefore, Defendant asks the Court to remand the case to the Superior Court of Clarke County. [*Id.*].<sup>2</sup>

The Court agrees that remand is appropriate. *See Griffith v. Wal-Mart Stores E., L.P.*, 884 F. Supp. 2d 1218, 1228 (N.D. Ala. 2012) (“Because the jurisdictional amount in controversy in this case is not apparent on the removing documents, ‘the proper course is remand.’” (quoting *Lowery v. Ala. Power Co.*, 483 F.3d 1184, 1218 (11th Cir. 2007))).

Accordingly, the Court **GRANTS** Defendant’s Motion to Remand [Doc. 8] and **REMANDS** this case to the Superior Court of Clarke County. *See* 28 U.S.C. § 1447(c).

**SO ORDERED**, this 31st day of May, 2023.

S/ Tilman E. Self, III

**TILMAN E. SELF, III, JUDGE**

**UNITED STATES DISTRICT COURT**

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<sup>2</sup> Based on the language in the filing, the Court **CONSTRUES** Defendant’s Response [Doc. 8] as a Motion to Remand.